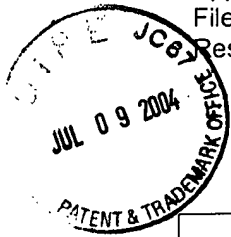


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3762

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Application No. 09/921,066  
Filed 8/2/2001  
Response of 7/9/2004



Application No.	09/921,066
Applicant	Foster, Thomas H.
Filed	8/2/2001
Title	MRI-Compatible Implantable Device
TC/A.U.	3762
Examiner	Evanisko, George Robert
Docket No.	PRC-4 (170)

Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## RESPONSE

Sir:

In reply to the Notice of Allowance of May 20, 2004, please find the  
response as follows:

**Remarks/Arguments** begin on page 2 of this paper.

**REMARKS**

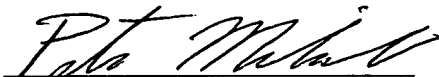
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On May 20, 2004, our office was pleased to receive a Notice of Allowance for the subject application. In preparation for issuance, a review of the prosecution history was conducted. During this review, applicants' agent noted that an Information Disclosure Statement (IDS) was submitted on November 4, 2002. From the record, it was unclear if the references cited in this IDS were considered by the Examiner.

Enclosed, please find a copy of the IDS that was submitted on November 4, 2002. Included in this submission is a photocopy of the return postcard which was stamped by the Patent and Trademark Office on November 6, 2002. Also included are copies of the non-patent references (#273 to #320) cited in the IDS.

Applicants respectfully request that these references be considered and an initialed IDS form be made part of the record. If the Examiner has any questions or comments concerning the re-submission of this IDS, he is invited to contact applicants' agent.

Respectfully submitted,  
Howard J. Greenwald P.C.

By 

Peter J. Mikesell  
Reg. No. 54,311  
Telephone (585) 387-0285  
Fax (585) 387-0288



# GREENWALD & BASCH LLP

*Practice concentrated in Intellectual Property Law*

349 WEST COMMERCIAL STREET, SUITE 2490  
EAST ROCHESTER, NY 14445-2408

Telephone (585) 387-0280  
Facsimile (585) 387-0288

HOWARD J. GREENWALD

DUANE C. BASCH

JUL 09 2004

November 7, 2002

Subject:

Information Disclosure Statement

Application:

Group Art Unit: 3738  
U.S.S.N.: 09/921,066  
Filing Date: August 2, 2001  
Attorney Docket: PRC-4

Enclosures:

Information Disclosure Statement Patent Documents  
Information Disclosure Statement Non-Patent Literature  
Copies of References  
Transmittal Form  
Transmittal of IDS  
Return Postcard

FedEx Label #: 8361 86395076

JUL 09 2004

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/921,066
Filing Date	August 2, 2001
First Named Inventor	Thomas Foster
Group Art Unit	3738
Examiner Name	
Attorney Docket Number	PRC-4

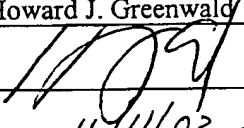
Total Number of Pages in This Submission

## ENCLOSURES (check all that apply)

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Transmittal Form<br>Transmittal of Information Disclosure Statement<br>Certificate of Mailing<br>Copy of Cited References<br>Return Postcard |
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Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Greenwald & Basch LLP By: Howard J. Greenwald
Signature	
Date	11/4/02

## CERTIFICATE OF MAILING

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of:

Application No.: 09/921,066

Group No.: 3738

Confirmation No: 7986

Filed: August 2, 2001

Examiner:

For: MRI-Resistant Implantable Device

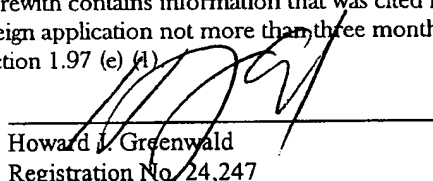
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Washington, D.C. 20231TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR  
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. section 1.97(b))IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING  
INFORMATION DISCLOSURE STATEMENT

1) The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. section 1.97(b).

or

2) The Information Disclosure Statement submitted herewith contains information that was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement. 37 C.F.R. section 1.97 (e) (1)

Date: 11/4/02

  
Howard J. Greenwald  
Registration No. 24,247  
Greenwald & Basch LLP  
Suite 2490  
349 West Commercial Street  
East Rochester, NY 14445  
US  
585-387-0280  
Customer No. 27157

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(type or print name of person certifying)

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INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT



Application Number 09/921,066  
Filing Date August 2, 2001  
First Named Inventor Thomas Foster  
Art Unit 3738  
Examiner Name  
Attorney Docket Number PRC-4

US PATENT DOCUMENTS

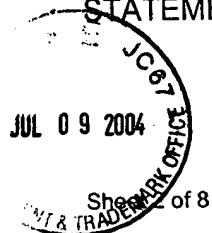
Examiner Initials	Cite No.	Document No.	Publication Date	Name of Patentee or Applicant of Cited Documents
	1	3057356	10-09-1962	W. Greatbatch
	2	3478746	11-18-1969	Greatbatch
	3	3508167	04-21-1970	R.B. Russell, Jr.
	4	3669095	06-13-1972	Kobayashi et al
	5	3686958	08-29-1972	Porter et al.
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	31	4727874	03-01-1988	Bowers et al.
	32	4763075	08-09-1988	Weigert
	33	4784461	11-15-1988	Abe et al.
	34	4798443	01-17-1989	Knipe et al.

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INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT



Application Number 09/921,066  
Filing Date August 2, 2001  
First Named Inventor Thomas Foster  
Art Unit 3738  
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Attorney Docket Number PRC-4

US PATENT DOCUMENTS

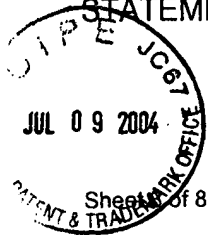
Examiner Initials	Cite No.	Document No.	Publication Date	Name of Patentee or Applicant of Cited Documents
	35	4800883	07-31-1989	Winstrom
	36	4804244	02-14-1989	Hasegawa et al.
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	42	4903701	02-27-1990	Moore et al.
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	48	5010888	04-30-1991	Jadvar et al.
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	67	5330512	07-19-1994	Hauck et al.
	68	5348010	09-20-1994	Schnall et al.
	69	5354220	10-11-1994	Ganguly et al.

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INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT



Application Number 09/921,066  
Filing Date August 2, 2001  
First Named Inventor Thomas Foster  
Art Unit 3738  
Examiner Name  
Attorney Docket Number PRC-4

US PATENT DOCUMENTS

Examiner Initials	Cite No.	Document No.	Publication Date	Name of Patentee or Applicant of Cited Documents
	70	5370668	12-06-1994	Shelton
	71	5387229	02-07-1995	Poore
	72	5387232	02-07-1995	Trailer
	73	5402070	03-28-1995	Shelton et al.
	74	5410413	04-25-1995	Sela
	75	5415653	05-16-1995	Wardle et al.
	76	5425373	06-20-1995	Causey, III
	77	5435308	07-25-1995	Gallup et al.
	78	5435316	07-25-1995	Kruse
	79	5438987	08-08-1995	Thacker et al.
	80	5445151	08-29-1995	Darrow et al.
	81	5453838	09-26-1995	Danielian et al.
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	84	5476095	12-19-1995	Schnall et al.
	85	5520190	05-28-1996	Benedict et al.
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	101	5634720	06-03-1997	Gallup et al.
	102	5649965	07-22-1997	Pons et al.
	103	5653735	08-05-1997	Chen at el.
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Signature

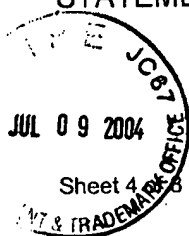
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INFORMATION DISCLOSURE  
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Application Number 09/921,066  
Filing Date August 2, 2001  
First Named Inventor Thomas Foster  
Art Unit 3738  
Examiner Name  
Attorney Docket Number PRC-4



US PATENT DOCUMENTS

Examiner Initials	Cite No.	Document No.	Publication Date	Name of Patentee or Applicant of Cited Documents
	105	5658966	08-19-1997	Tsukamoto et al.
	106	5679026	10-21-1997	Fain et al.
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	116	5752977	05-19-1998	Grevious et al.
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	132	5814091	09-29-1998	Dahlberg et al.
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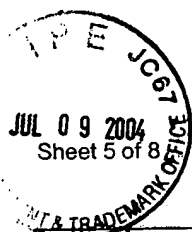
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INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

Application Number 09/921,066  
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First Named Inventor Thomas Foster  
Art Unit 3738  
Examiner Name  
Attorney Docket Number PRC-4



US PATENT DOCUMENTS

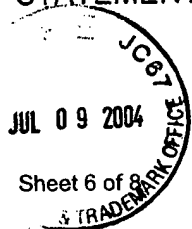
Examiner Initials	Cite No.	Document No.	Publication Date	Name of Patentee or Applicant of Cited Documents
	140	5836895	11-17-1998	Ramsey, III
	141	5861012	01-19-1990	Stroebel
	142	5865839	02-02-1999	Doorish
	143	5867361	02-02-1999	Wolf et al.
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	150	5882108	03-16-1999	Fraizer
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	152	5891171	04-06-1999	Wickham
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	154	5897577	04-27-1999	Cinbis et al.
	155	5899927	05-04-1999	Ecker et al.
	156	5902326	05-11-1999	Lessar et al.
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	158	5916237	06-29-1999	Schu
	159	5917625	06-29-1999	Ogusu et al.
	160	5919135	07-06-1999	Lemelson
	161	5928145	07-27-1999	Ocali et al.
	162	5928270	07-27-1999	Ramsey, III
	163	5928570	07-27-1999	Reo
	164	5940554	08-17-1999	Chang et al.
	165	5946086	08-31-1999	Bruce
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	167	5954660	09-21-1999	Legay et al.
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	169	5963034	10-05-1999	Mahapatra et al.
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	171	5967977	10-19-1999	Mullis et al.
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	173	5973906	10-26-1999	Stevenson et al.
	174	5978710	11-02-1999	Prutchi et al.

Examiner  
Signature

Date  
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INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT



Sheet 6 of 8

Application Number 09/921,066  
Filing Date August 2, 2001  
First Named Inventor Thomas Foster  
Art Unit 3738  
Examiner Name  
Attorney Docket Number PRC-4

US PATENT DOCUMENTS

Examiner Initials	Cite No.	Document No.	Publication Date	Name of Patentee or Applicant of Cited Documents
	175	5982961	11-09-1999	Pan et al.
	176	5985129	11-16-1999	Gough et al.
	177	5987995	11-23-1999	Sawatari et al.
	178	5999853	12-07-1999	Stoop et al.
	179	5999857	12-07-1999	Weijand et al.
	180	6005191	12-21-1999	Tzeng et al.
	181	6011994	01-04-2000	Kronberg
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	183	6016448	01-18-2000	Busacker et al.
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	207	6091015	07-18-2000	delValle et al.
	208	6091744	07-18-2000	Sorin et al.
	209	6091987	07-18-2000	Thompson

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Sheet 1 of 8

Application Number 09/921,066  
Filing Date August 2, 2001  
First Named Inventor Thomas Foster  
Art Unit 3738  
Examiner Name  
Attorney Docket Number PRC-4

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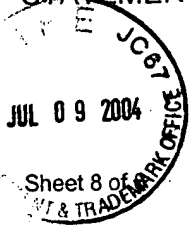
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Sheet 8 of

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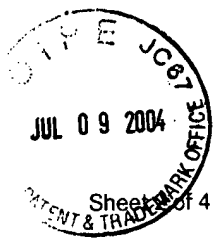
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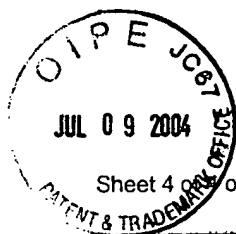
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Serial: 09/921,066  
Filing Date: August 2, 2001  
Docket: PRC-4  
Inventor:  
Title: MRI-Resistant Implantable Device

Date Mailed: 11/6/02  
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Application Number	09/921,066
Filing Date	8/2/2001
First Inventor	Foster, Thomas H.
Examiner Name	Evanisko, George Robert
Art Unit	3762
Docket Number	PRC-4 (170)
Express Mail Label	EV 457055016 US

DATE OF DEPOSIT: 7/9/2004

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Fax (585) 387-0288

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